

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH I. GRIFFIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-618
	)	
JO ANNE B. BARNHART,	)	Judge McVerry
Commissioner of Social Security,	)	Magistrate Judge Hay
	)	
Defendant.	)	Re: Docs. #6 & 8

**ORDER**

AND NOW, this 31<sup>st</sup> day of August, 2005, after the plaintiff, Keith I. Griffin, filed an action in the above-captioned case, and after motions for summary judgment were filed, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion for Summary Judgment filed by Plaintiff is denied;

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by the Defendant is granted;

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits is affirmed;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.;

IT IS FURTHER ORDERED that final judgment of this Court is entered pursuant to Rule 58 of the Federal Rules of Civil Procedure.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

William J. Remaley, Esquire  
Email: bglawyer@pair.com

Rebecca Ross Haywood,  
Assistant United States Attorney  
Email: rebecca.haywood@usdoj.gov